

United States Bankruptcy Court  
Northern District of California

FILED

JUL 15 2025 JS

U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re:  
Saint Cloud, Inc., Debtor.  
Case No. 25-40893  
Chapter 11 Subchapter V

## **MOTION TO ALTER OR AMEND JUDGMENT UNDER FEDERAL RULE BANKRUPTCY PROCEDURE 9023 (RULE 59(e))**

Saint Cloud, Inc. ("Debtor"), appearing pro se, respectfully moves this Court pursuant to Federal Rule of Bankruptcy Procedure 9023 (incorporating Federal Rule of Civil Procedure 59(e)) to alter or amend the Order of Dismissal entered on July 9, 2025. In support thereof, Debtor states as follows:

### **1. Background**

- On [Original Petition Filing Date], Debtor filed a voluntary petition for relief under Chapter 11 Subchapter V of the Bankruptcy Code in the United States Bankruptcy Court for the Northern District of California, assigned Case No. 25-40893.
- On July 9, 2025, this Court entered an Order dismissing Debtor's Chapter 11 case due to Debtor's use of an obsolete form, specifically the **Statement of Financial Affairs (Official Form 207)**.
- Debtor acknowledges the inadvertent use of the obsolete form. This was an unintentional procedural error and is now corrected.
- Debtor has contemporaneously filed the **updated Official Form 207** with this Motion to cure the defect that led to dismissal.

### **2. Grounds for Relief**

- Dismissal of this case imposes severe and immediate harm on Debtor and its estate. Specifically:
  - **The Acceleration Group** has been actively attempting to foreclose on Debtor's accounts receivable and intellectual property assets.
  - **Park Street Imports** (Debtor's wholesaler of record) and **Arkansas Wine and Spirits** (Debtor's Arkansas distributor) have refused to release funds to Debtor's

estate until there is express language from the Court clarifying the Bankruptcy Code's provisions regarding payments to a debtor-in-possession.

- These funds are essential to Debtor's operations and to preserve value for creditors and stakeholders.
- Debtor submits that dismissal solely based on the filing of an obsolete form constitutes an unduly harsh sanction and is not in the interests of justice or judicial economy.
- Debtor has found representation, Thomas P. DeMuth, who has applied for Admission Pro Hac Vice (attached).
- Under Rule 59(e), this Court has discretion to alter or amend its prior order to prevent manifest injustice or to correct errors of law or fact. Allowing Debtor to correct the form error would facilitate resolution of this matter on its merits and preserve the value of the estate for creditors.

### **3. Relief Requested**

WHEREFORE, Debtor respectfully requests that this Court:

- 1. Vacate or amend the Order of Dismissal entered on July 7, 2025;**
- 2. Reinstate Debtor's Chapter 11 Subchapter V case;**
- 3. Reimpose the automatic stay pending further proceedings; and**
- 4. Grant such other and further relief as the Court deems just and proper.**

Date: July 14th, 2025

Respectfully submitted,

/s/ Saint Cloud, Inc.

By: Ray Walker

Authorized Representative

316 O Neil Circle

Hercules, CA 94547

Phone: (510) 599-5080

Email: ray@saintcloudbourbon.com

### **Certificate of Service**

I, Ray Walker, authorized representative of Saint Cloud, Inc., certify that on this date I served a copy of the foregoing Motion and the attached updated Official Form 207 upon:



- Office of the United States Trustee
- All parties requesting notice in this case
- The Acceleration Group
- Park Street Imports
- Arkansas Wine and Spirits

by Electronic Transmission.

Date: July 15th, 2025

/s/ Ray Walker  
Ray Walker

## **Attachments**

- **Updated Official Form 207 – Statement of Financial Affairs (will file in person July 15th, 2025).**
- **Email Correspondence referencing held funds by Park Street (approx. \$185,000) , re-sent by Park Street Counsel on June 16th 2025**
- **Application for Admission of Attorney Pro Has Vice**

February 25, 2025

Via Electronic Mail

Thomas P. Demuth  
6130 North Berkeley Boulevard  
Whitefish Bay, WI 53217  
414-651-2517  
tdemuth@demuthassociates.com

Re: Saint Cloud, Inc. and The Acceleration Group, LLC Dispute

Dear Mr. DeMuth,

Park Street Imports, LLC ("Park Street") writes in response to your letter dated February 19, 2025, asking Park Street to ignore requests from The Acceleration Group, LLC ("TAG") regarding Saint Cloud, Inc.'s ("Saint Cloud") account with Park Street.

After careful review of the issue, Park Street is not in a position to resolve the dispute between TAG and Saint Cloud. Due to the conflicting information Park Street has received, certain actions (e.g., distributions from the supplier balance account, chargebacks, etc.) cannot proceed until Saint Cloud provides us with a binding written resolution of the dispute. This can be in the form of either a court order or an agreement duly executed by TAG and Saint Cloud.

In the meantime, to avoid disruption to the Saint Cloud brand, Park Street will continue to provide services that, as determined in Park Street's sole discretion, are not potentially impacted by the unresolved dispute between Saint Cloud and TAG. Accordingly, Park Street will, as appropriate, continue to fulfill customer orders and provide customer service for the benefit of the brand. Park Street looks forward to resuming standard operations once a binding written resolution of the dispute is received.

Regards,

*Don Lewis*

Don Lewis  
Business & Legal Affairs

1000 Brickell Avenue, Suite 215  
Miami, Florida 33131  
+1 (305) 967-7440  
info@parkstreet.com

Parkstreet.com

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1 message

Mon, Jul 7, 2025 at 11:28 AM

Thomas P. DeMuth

**tdemuth@demuthassociates.com**

Document Number: 29

**Docket Text:**

Application for Admission of Attorney Pro Hac Vice . Fee Amount \$328 (Attachments: # (1) Exhibit) (DeMuth, Thomas)

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**App\_for\_adm\_atty\_phv\_070725.pdf

**Electronic document Stamp:**

[STAMP bkecfStamp\_ID=1017961465 [Date=7/7/2025] [FileNumber=40186770-0  
][a9a9db36680e6030229f8c582133aa4eb53c48705499b819076a75901551644230e  
8b8418b004998adf3b16f6783a299fbc4132a00e8efafcc6521d8e77a5ae1]]

**Document description:**Exhibit

**Original filename:**C:\fakepath\Certificate of Admission- Eastern District of Wisconsin.pdf

**Electronic document Stamp:**

[STAMP bkecfStamp\_ID=1017961465 [Date=7/7/2025] [FileNumber=40186770-1  
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094f5565bd98b49ca87dca6a802f823c33986d61607707e9f97a6ac39b904]]

**25-40893 Notice will be electronically mailed to:**

Marcus O. Colabianchi on behalf of Creditor The Acceleration Group, LLC  
mcolabianchi@duanemorris.com, dmicros@duanemorris.com

Trevor Ross Fehr on behalf of U.S. Trustee Office of the U.S. Trustee/Oak  
trevor.fehr@usdoj.gov

Geoffrey A. Heaton on behalf of Creditor The Acceleration Group, LLC  
gheaton@duanemorris.com, dmicros@duanemorris.com

Office of the U.S. Trustee/Oak  
USTPRegion17.OA.ECF@usdoj.gov

Mark M. Sharf  
mark@sharflaw.com, msharf00@gmail.com;sharf1000@gmail.com;C188@ecfcbis.com;  
msharf00@gmail.com;2180473420@filings.docketbird.com

**25-40893 Notice will not be electronically mailed to:**

Ally Bank c/o AIS Portfolio Services, LLC  
4515 N Santa Fe Ave. Dept. APS  
Oklahoma City, OK 73118

BMO Bank N.A., c/o AIS Portfolio Services, LLC  
4515 N Santa Fe Ave. Dept. APS  
Oklahoma City, OK 73118

Saint Cloud Inc  
316 O'Neil Circle  
Hercules, CA 94547